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Application Serial No. 09/800,743

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Applicant notes the sole basis for rejecting the subject application is 35 SC 112. In particular, Claims 26 and 27 are rejected under 35 USC 112 first paragraph in failing to comply with the enablement requirement. Specifically, the Examiner refers to lines 18 and 19 of Claim 26 on page 6 of the claims where Applicant states the following:

10 "wherein said VPN is comprised of multiple VTs, each VT being of a different protocol type and having different characteristics . . ."

15 The crux of the Examiner's objection is that the Examiner considers there to be no description of every VT within a VPN using a different protocol from every other VT within the VPN. Applicant appreciates the Examiner's recommendation with regard to amending the claim. In response to the comment, Applicant has deleted the offending the language from the claim. Applicant does not consider this to affect the scope of the claim for the following reason:

20 The claim language affected by Applicant's revisions recite that "said VPN is comprised of multiple VTs." On page 6 of Claim 26 at line 3, Applicant already teaches that "said VPN comprising one or more virtual trunks (VT)." Thus this aspect of the limitation is already recited in the claim and deleting the ambiguous language does not affect the scope of the claim in any way.

25 The claim included affected language that also states that "each VT being of a different protocol type and having different characteristics." Applicant refers to the Examiner to page 6, line 5, where Applicant teaches "said VTs are comprised of any protocol . . ." This language indicates is similar to the VTs being of different protocol types, but is a clearer statement of Applicant's intent, i.e. that a VT may
30 be comprised of any protocol among a plurality of protocols. On page 6, line 11,

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Applicant teaches "said VTs differ from each other VT on at least any of the following characteristics." This teaching is a clearer statement of the objected-to language in which each VT is taught as "having different characteristics."

- 5 In view of the foregoing, Applicant is of the opinion that Applicant's amended Claim 26 overcomes the Examiner's rejection under 35 USC 112 for lack of enablement and does not affect the scope of the claim in any way.

- 10 The Examiner has also rejected Claim 26 in connection with the use of the phrase "such as a telephone." In keeping with the Examiner's recommendation, Applicant has deleted this language from the claim.

- 15 The Examiner has also rejected Claim 26 as being indefinite in that the word "other" in the phrase "to connect every other endpoint" is thought to render the claim indefinite. In keeping with the Examiner's suggestion, Applicant has deleted the words "every other" from the claim and substituted the word "any" therefor.

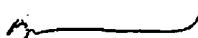
- 20 The Examiner also indicates that the use of the word "best" in the phrase "choosing a best form of transport for a call based on class of service," renders the claim unclear. The Examiner has recommended that the claim be amended to specifically state how a form of transport is chosen. Applicant has deleted the word "best" from the claim and is of the opinion that such amendment now makes it clear how a form of transport is chosen. That is, a form of transport for a call is chosen "based on class of service." Applicant teaches on page 7 at line 16
- 25 what these classes of services may comprise, *i.e.*, any of various protocols. With regard to the listed protocols, those skilled in the art would understand that a particular form of transport is appropriate for the class of service chosen. Accordingly, Applicant has overcome the Examiner's rejection in connection with the use of the term "best" in Claim 26.

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In view of the foregoing, the application is deemed to be in allowable condition and Applicant respectfully requests that the Examiner withdraw the rejections and issue a Notice of Allowance such that the application may pass to issuance as US Letters patent. Should the Examiner deem it helpful, he is encouraged to
5 contact Applicant's attorney, Michael A. Glenn, at (650)474-8400.

Respectfully submitted,



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